

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 5, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-34605 - APPLICANT/OWNER: THE LAKES LUTHERAN CHURCH

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permits (SUP-34604, SUP-34606 and SUP-34608) and Site Development Plan Reviews (SDR-1968 and SDR-34602), if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The Child Care Center use shall be limited to a maximum of 50 children.
4. The use of the Barber/Beauty Shop shall be limited to only on-site residents.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site contains an existing 13,808 square-foot Church/House of Worship, associated parking, and approximately 55,000 square feet of undeveloped area on a 3.88-acre lot located at 8200 West Sahara Avenue. The applicant is proposing to locate a Child Care Center, a Convalescent Care Facility/Nursing Home, Assisted Living Apartments and Senior Citizen Apartments in addition to an expansion on an existing Church/House of Worship. The proposed and existing uses require 205 parking spaces where 160 will be provided. If this request is denied, an alternate site design will be required to provide parking for all proposed uses in accordance with Title 19.04 and 19.10.

Issues:

- Staff cannot support this request as the applicant has not provided compelling evidence of a unique or extraordinary circumstance, and has created a self-imposed hardship by proposing to overbuild the site.
- Providing up to 30% compact parking spaces allowable per Title 19.10 in conjunction with an alternate site design or a reduction in the scope of the proposed project would accommodate the requisite number of parking spaces.
- The proposed parking lot layout is fragmented and does not represent an efficient use of the site.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/07/93	The City Council approved a request for a Rezoning and Plot Plan and Elevation Review (Z-0043-93) from N-U (Non-Urban) to C-V (Civic) for a proposed Church/House of Worship located at the northwest corner of Sahara Avenue and Cimarron Road. The Planning Commission and staff recommended approval of this request.
01/14/94	A deed was recorded for change of ownership.
01/04/95	The City Council approved a request for an Extension of Time [Z-0043-93(1)] of an approved Rezoning and Plot Plan and Elevation Review (Z-0043-93) from N-U (Non-Urban) to C-V (Civic) for a proposed Church/House of Worship located at the northwest corner of Sahara Avenue and Cimarron Road. The Planning Commission and staff recommended approval of this request.

04/23/03	The Planning Commission approved a request for a Site Development Plan Review (SDR-1968) for a 4,840 square-foot addition to an existing Church/House of Worship on 3.88 acres at 8200 West Sahara Avenue. Staff recommended approval of this request.
07/09/09	<p>The Planning Commission recommended approval of companion items GPA-34600, ZON-34601, SUP-34604, SUP-34606, SUP-34608 and SDR-34602 concurrently with this application.</p> <p>The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #24/dc).</p>
<i>Related Building Permits/Business Licenses</i>	
04/17/95	Building permits were issued for onsite improvements (#95373763) and a new building (#95373764) at 8200 West Sahara Avenue. The permits were finalized under building permit (#97007415) on 05/27/97.
12/01/95	A building permit (#95883523) was issued for a sign at 8200 West Sahara Avenue. The permit expired 09/21/96 without receiving final approval.
11/22/95	A building permit (#95882928) was issued for a 50-foot long, six-foot high block wall and a 275-foot long, two-foot high retaining wall. The permit expired 09/21/96 without receiving final approval.
04/19/04	A building permit (#04009010) was issued for a 5,280 square-foot addition at 8200 West Sahara Avenue. The permit received final approval 08/24/04.
<i>Pre-Application Meeting</i>	
05/14/09	<p>A Pre-Application meeting was held with the applicant where the following issues were discussed:</p> <ul style="list-style-type: none"> • The requested change in zoning opens up the entire site to review for compliance with Title 19.08 requirements. • Residential Adjacency issues with the single-family property to the north. • Discussion of all uses proposed at the site, including the expansion of the existing Church/House of Worship use, Daycare Facility, Senior Citizen Apartments, Convalescent Care Facility/Nursing Home and Assisted Living Apartments. • Parking requirements for the uses proposed. • Adherence to the submittal requirements and plans required for a General Plan Amendment, Rezoning, three Special Use Permit applications, a parking Variance and a Site Development Plan Review.
<i>Neighborhood Meeting</i>	
06/08/09	<p>A neighborhood meeting was held at 6:00pm at The Lakes Lutheran Church, Conference Room, located at 8200 W. Sahara Ave. Las Vegas, Nevada 89117. There were three representatives of the applicant, five representatives of the church, one member of the Planning and Development staff and two members of the general public present.</p> <ul style="list-style-type: none"> • A discussion was held where the general public raised questions about the proposed development.

Field Check	
06/04/09	<p>A field check was conducted by staff at the subject property where the following was observed:</p> <ul style="list-style-type: none"> • The subject site contains an existing 13,808 square-foot Church/House of Worship. • An existing parking lot surrounds the west and north sides of the existing building, and extends along the east perimeter of the site to O'Bannon Drive. • The northeastern half of the subject property is undeveloped, relatively flat, and contains no landscaping.

Details of Application Request	
Site Area	
Gross Acres	3.88

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Church/House of Worship	SC (Service Commercial) and R (Rural Density Residential) [Proposed: SC (Service Commercial)]	C-V (Civic) [Proposed: C-1 (Limited Commercial)]
North	Single-Family Residences	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre)
South	Restaurant	CN (Commercial Neighborhood) – Clark County	C-1 (Local Business) – Clark County
East	Office and Retail	SC (Service Commercial)	C-1 (Limited Commercial) and O (Office)
West	Office	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Church/ House of Worship	490 Fixed Seats	1 / 4 fixed seats, or 1 space / 100 SF of non-fixed seating in the gathering room	123				
Child Care Center	6 Staff; 50 Children	1 / Staff Member, plus 1 / 10 Children	11				
Convalescent Care Facility/ Nursing Home	22 Beds; 22 Employees	1 / 6 Beds, plus 1 / Each Employee on the largest shift; plus 3 spaces for use by Medical Professionals	29				
Assisted Living Apartments	33 Residents	1 / 3 Residents	11				
Senior Citizen Apartments	41 Units	.75 / Unit	31				
SubTotal			195	7	152	8	
TOTAL			205		160		N
Percent Deviation					22%		

ANALYSIS

The applicant is proposing to construct a 2,576 square-foot addition to the existing 13,808 square-foot Church/House of Worship, a 2,500 square-foot Child Care Center, a 22-bed Convalescent Care Facility/Nursing Home, a 33-unit Assisted Living Apartments and a 41-unit Senior Citizen Apartment complex on a 3.88-acre parcel located at 8200 West Sahara Avenue. The existing and proposed uses on the subject site require 205 parking spaces where 160 are proposed, which represents a 22% deviation from Title 19 requirements. The 22% reduction in required parking indicates that the site, as proposed, would be overbuilt. Furthermore, the proposed deficiency is preferential in nature and as such, the applicant has created a self-imposed hardship that staff cannot support; therefore, staff is recommending denial of this request.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to overbuild the site. Alternatively, providing up to 30% compact parking spaces allowable per Title 19.10, redesigning the site or reducing the scope of the project would allow conformance to Title 19 parking requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

There was one speaker at the Planning Commission meeting along with additional written protests submitted.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 253 by City Clerk

APPROVALS 1

PROTESTS 0